

### **Remarks/Arguments**

Reconsideration of the Application is requested.

The Examiner has objected to claim 1, because it contains a negative limitation. Claim 1 as amended, does not contain a negative limitation.

Claims 1-6 have been rejected by the Examiner under 35 USC §101 for being directed to non-statutory subject matter.

Claims 1-6 as amended are directed to statutory subject matter, namely a method that utilizes a computer system to enable a recipient to inform a carrier of the manner in which the recipient would like the mail delivered.

Claims 1-6 have been rejected by the Examiner under 35 USC §112 for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-6 as amended particularly point out and distinctly claim Applicant's invention.

Claims 1-6 have been rejected by the Examiner under 35 USC §112 for being non-enabling. Claims 1-6 as amended are enabling. Claims 1-6 as amended utilize a computer system to enable a recipient to inform a carrier of the manner in which the recipient would like them all delivered.

Claims 1-6 have been provisionally rejected by the Examiner under the judicially created doctrine of double patenting over claims 1-31 of copending Application No. 09/818,800. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

A Terminal Disclaimer is being filed with this amendment to overcome the double patenting rejection.

Claims 1-6 have been rejected by the examiner under 35 USC §103 as being unpatentable by Kanevsky [5,648,916] SIC {6,285,777} in view of Apostolopoulos et al

[Apostolopoulos 6,868,083 B2] and further in view of Howell [5,794,221] SIC {5,276,901}.

Kanevsky discloses the following in col. 3 lines 12-22:

"The billing server **39** should be connected to internet mail facilities and to banks to allow electronic payment (via electronic payment means that include also security protection from fraud). There are means that allow data from a general user database to find post-mail address of a destination point using only e-mail address of destination person. And, conversely, using postmail address of a destination person to find an e-mail address of a destination person if the address exists. This database can include e-mail/post addresses of users that already signed for this Internet /mail service."

Kanevsky is finding a post mail address of a destination point using an e-mail address of a destination person.

Kanevsky discloses the following in col. 3 lines 44-51:

"Means to perform the following functions are also"provided in FIG. 1. The capability to track the mail is provided by tracking servers 33 and 35. The possibility to have notification of receipt and authentication of sender! receiver (including, whether it has been deLivered, whether it has been read), whether it is required to download registered documents via a secure web server (or notes server) or from a mail server with a special password."

Kanevsky discloses the following in col. 6 lines 55-65:

"It is important that the system handle pictures and OCR letters. In addition, it may be desirable to be able to take a snapshot of pages (fax) and this should be an option too. Other features that may be included in an embodiment are the capability to track the mail and the possibility to have notification of receipt and authentication of sender/receiver (including, "has it been delivered,""has it been read"). A feature for downloading registered documents via a secure web server (or notes server) or from a mail server with a special password). A password to send authenticated mail may also be included in the embodiment."

Kanevsky discloses the notification of e-mail not physical mail.

Apostolopoulos et. al. discloses the following in col. 11 lines 39-66:

"FIG. 11 is a block diagram of a direct path identification mechanism in accordance with one embodiment of the present invention. A source node **1100** sends sub-streams (e.g., sub-stream\_i, sub-stream\_2, sub-stream\_3) through different paths to a destination node **1104**. In the direct approach, the source **1100** first learns of the various paths and then sends the various sub-streams of packets through the different paths. In this embodiment, the source notifies

Path-Diversity Service (PDS) **1110** that it would like to communicate to a particular destination via N paths. In response, the path-diversity service **1110** informs the source of the appropriate paths **1120** to use. Specifically, the source **1100** notifies the path-diversity service **1110** of certain parameters **1130**. These parameters **1130** can include, for example, the source address, destination address, the number of paths desired, and any Quality of Service (QoS) requirements for each path (e.g., required bandwidth, maximum tolerable delay, maximum tolerable packet loss, etc.). The path diversity service **1110** then informs the source **1100**, which are the appropriate paths **1120** to use. The specific description of which paths to use depends on that manner in which path diversity is achieved (i.e., whether path diversity is achieved via relay architecture or via source routing). It is noted that the source **1100** and path-diversity service **1110** can negotiate to determine an appropriate combination of a number of paths, QoS for each path, and available paths."

Apostolopoulos discloses the following in his abstract:

"Communication over lossy packet networks such as the Internet is hampered by limited bandwidth and packet loss. The present invention provides a path diversity transmission system for improving the quality of communication over a lossy packet network. The path diversity transmission system explicitly sends different subsets of packets over different paths, thereby enabling the end-to-end application to effectively see an average path behavior. Generally, seeing this average path behavior provides better performance than seeing the behavior of any individual random path. For example, the probability that aU of the multiple paths are simultaneously congested is much less than the probability that a single path is congested. The resulting path diversity can provide a number of benefits, including enabling realtime multimedia communication and simplifying system design

(e.g., error correction system design). Two exemplary architectures for achieving path diversity are described herein. The first architecture is based on source routing, and the second architecture is based on a relay infrastructure. The second architecture routes traffic through semi- intelligent nodes at strategic locations in the Internet, thereby providing a service of improved reliability while leveraging the infrastructure of the Internet."

Apostolopoulos deals with electronic mail not physical mail.

Howell discloses the following in his abstract:

"A method and system for controlling access by groups of users to multiple objects stored within a data processing system implemented library wherein each object has an access list associated therewith explicitly listing individual users permitted access to that object. A group identification is established which encompasses all users within the data processing system, a selected subset of users with the data processing system, or a single selected user and his or her designated affinity users or proxies. The group identification is then listed within an associated access list for a particular object and upon an attempted access of the particular object by a user not listed explicitly within the associated access list, a determination is made as to whether or not that user is listed within a group identification which is permitted access. In one embodiment of the present invention selected objects and users each have associated therewith a clearance level and access to a selected object by a particular user listed within a group identification may be denied if that particular user's clearance level does not meet or exceed the clearance level of the selected object."

Howell discloses the following in col. 1 lines 46-61:

"The access by a user to a particular object or document within an electronic library is generally controlled by access authorization, Documents or objects within an electronic library generally have designated an Owner who is a user within the system having specific privileges with regard to the owned object or document. Generally each Owner within electronic library may add further owners, or delete existing ones. The Owner of a document may typically specify the authority of other non-owner individuals with

respect to a particular object or document within the electronic library. For example, the Owner may grant a particular user read, copy, extended-read, read-modify, or read- modify-delete access to a particular object or document within an electronic library.”

Howell discloses the following in col. 2 line 33-54:

“The foregoing objects are achieved as is now described. A data processing system implemented library is provided wherein each object has an access list associated therewith explicitly listing individual users permitted access to that object. A group identification is established which may encompass all users within the data processing system, a selected subset of users with the data processing system, or a single selected user and his or her designated affinity users or proxies. The group identification is then listed within an associated access list for a particular object and upon an attempted access of the particular object by a user not listed explicitly within the associated access list, a determination is made as to whether or not that user is listed within a group identification which is permitted access. In one embodiment of the present invention selected objects and users each have associated therewith a clearance level and access to a selected object by a particular user listed within a group identification may be denied if that particular user’s clearance level does not meet or exceed the clearance level of the selected object.”

Howell discloses a system that allows a user to have access to documents

The cited art does not disclose or anticipate the method claimed by applicant in claims 1-6 as amended. The cited art does not disclose or anticipate the following steps of claim 1 as amended namely:

capturing by electronic and optical means the name and physical address of the recipient and the sender from the physical mail;  
notifying the recipient electronically by the carrier of the availability of the deposited physical mail;

notifying the carrier that the sender ~~does not elect~~ wants the deposited physical mail to ~~be diverted~~ be delivered directly to the recipient or that the sender elects to permit the recipient to divert the physical mail; and

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delivering physical mail to the recipient by the carrier in the manner specified by the recipient to the carrier, if the sender elects to permit the recipient to divert the physical mail.

An advantage of applicant's claimed invention over the cited art is that the recipient may want the mail physically delivered to their house faster or slower, or the mail physically redirected to the recipient's temporary address, or physically delivered to the recipient's agent, or physically delivered to the recipient's attorney, or physically returned to the mailer or have carrier open the physical mail and have the carrier e-mail or fax the contents of the mailpiece to the recipient and/or parties designated by the recipient. The foregoing recipient elections will only be allowable if the sender elects to permit the recipient to divert the mail.

In view of the above, claims 1-6 as amended are patentable. If the Examiner has any questions, would he please call the undersigned at the telephone number noted below.

Respectfully submitted,



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